

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MALEEHA AHMAD, et al.,)
Plaintiffs,)
v.) No. 4:17-cv-2455-RLW
CITY OF ST. LOUIS, MISSOURI,)
Defendant.)

MOTION FOR EXCLUSION OF WITNESSES

Come now Plaintiffs, pursuant to Rule 615 of the Federal Rules of Evidence, and move this Court for entry of an order excluding all actual and potential witnesses—other than the parties—from the courtroom during the proceedings in this case other than the period of actual testimony by each witness.

Rule 615 of the Federal Rules of Evidence provides that “[a]t the request of a party the court shall order witnesses excluded so that they cannot hear the testimony of other witnesses....” This rule is mandatory—a trial judge may not deny a request to exclude. *E.g.*, *United States v. Ell*, 718 F.2d 291, 292 (9th Cir.1983); *see also* Advisory Committee Notes to Rule.

Sanford v. CBS, Inc., 594 F. Supp. 713, 717 (N.D. Ill. 1984). “The purpose of excluding a witness from the courtroom while another testifies is to prevent one witness from potentially being taught by the other’s testimony.” *Morgan v. United States*, 11-01105-CV-W-NKL-P, 2012 WL 1391848, at *2 (W.D. Mo. Apr. 20, 2012) (citing 6 Wigmore on Evidence § 1837).

Rule 615 does not authorize the exclusion of: "(a) a party who is a natural person; (b) an officer or employee of a party that is not a natural person, after being designated as the party's

representative by its attorney; (c) a person whose presence a party shows to be essential to presenting the party's claim or defense; or (d) a person authorized by statute to be present."

WHEREFORE Plaintiffs request this Court exclude from the courtroom all actual and potential non-party witnesses during the proceedings in this case other than the period of actual testimony by each witness and for such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically and served by operation of the CM/ECF system on all counsel of record on October 17, 2017.

/s/ Anthony E. Rothert